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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-eighth session

SUMMARY RECORD OF THE 1438th MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 6 March 2001, at 10 a.m.

Chairman: Mr. SHERIFIS

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The meeting was called to order at 10.15 a.m.

OPENING OF THE SESSION

1. The CHAIRMAN declared open the fifty-eighth session of the Committee on the Elimination of Racial Discrimination.

APPROVAL BY THE COMMITTEE OF THE EXPERTS APPOINTED BY TWO STATES PARTIES TO FILL THE VACANCIES RESULTING FROM THE RESIGNATION OF TWO MEMBERS OF THE COMMITTEE (item 1 of the provisional agenda) (CERD/C/391)

2. The CHAIRMAN paid tribute to several members of the Committee - Mr. Michael Banton, Mr. Peter Nobel, Ms. Deci Zou and Mr. Brun-Otto Bryde - who had resigned from the Committee since the previous session. In accordance with rule 13 of the Committee's rules of procedure, the People's Republic of China had appointed Mr. Tang Chengyuan to complete Ms. Deci Zou's mandate and the United Kingdom of Great Britain and Northern Ireland had appointed Mr. Patrick Thornberry to take over from Mr. Michael Banton. The Chairman recalled that by virtue of rule 58 of the Committee's rules of procedure, elections were held by secret ballot, unless the Committee decided otherwise in the event of elections for a post for which only one candidate had been proposed.

3. Mr. ABOUL-NASR, supported by Mr. RECHETOV, proposed that the appointment of Mr. Tang Chengyuan and Mr. Thornberry be approved without a secret ballot.

4. It was so decided.

5. In accordance with rule 14 of the rules of procedure, Mr. TANG Chengyuan and Mr. THORNBERRY, newly elected members of the Committee, made the following solemn declaration:

> "I solemnly declare that I will perform my duties and exercise my powers as a member of the Committee on the Elimination of Racial Discrimination honourably, faithfully, impartially and conscientiously."

ADOPTION OF THE AGENDA (item 2 of the provisional agenda) (CERD/C/391)

6. Mr. SHAHI, referring to item 11 of the provisional agenda, asked how and when the Committee would consider the Committee's contribution to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the report by Mr. Valencia Rodriguez on the subject.

7. The CHAIRMAN said that the date on which that important question would be examined would be indicated in the Committee's programme of work in due course.

8. The agenda was adopted.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 4)

Adoption of the programme of work (CERD/C/58/Misc.4/Rev.4) (document distributed in the meeting room, in English only)

9. Ms. McDOUGALL proposed deferring consideration of the agenda item on the World Conference against Racism and Racial Discrimination until the second week of the session so as to allow the Committee to take account of the conclusions of the inter-sessional open-ended working group, which was due to meet during the first week.

10. The CHAIRMAN, after endorsing Ms. McDougall's proposal, said it would also be useful if the Committee members who had taken part in the regional meetings held in preparation for the World Conference would report to the Committee. The dates for considering the conclusions of the inter-sessional open-ended working group and the reports of Committee members could be decided later by the Bureau, as appropriate.

11. Mr. ABOUL-NASR said that he had represented the Committee at a regional meeting of experts in Dakar (Senegal) as part of preparations for the World Conference against Racism. It would be useful if the report of that meeting, which contained the Committee's views as he had presented them to participants, could be distributed during the session before the Committee discussed its contribution to the World Conference.

12. The CHAIRMAN said that the conclusions of the regional meetings and seminars held in preparation for the World Conference would be considered under the relevant items of the programme of work and agenda.

13. The programme of work was adopted.

STATEMENT BY THE DEPUTY HIGH COMMISSIONER FOR HUMAN RIGHTS ON BEHALF OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

14. Mr. RAMCHARAN (Deputy High Commissioner for Human Rights) said that he would speak on behalf of the United Nations High Commissioner for Human Rights, Mrs. Robinson. The latter was currently taking part in the inter-sessional open-ended working group of the Preparatory Committee for the Third World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which was in charge of revising the draft declaration and programme of action to be approved by the Conference.

15. In her message to the Committee, the High Commissioner welcomed the two new Committee members, Mr. Thornberry (United Kingdom) and Mr. Tang Chengyuan (China), who were replacing Mr. Banton and Ms. Deci Zou following their resignation. She was sorry that Mr. Nobel had been compelled to resign for family reasons and congratulated Mr. Bryde, who had also left the Committee, following his appointment to the Federal Constitutional Court in Germany.

16. The Millennium Summit held in September 2000 and the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance provided a rare opportunity to galvanize political momentum towards the universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination. To date 157 States were party to the Convention and 33 had made the declaration under article 14 concerning the communications procedure. Much work nevertheless remained to be done.

17. The turn of the century opened up new possibilities in the fight against racism in its oldest and more contemporary manifestations. The problems of racism, racial discrimination and xenophobia seemed to have been compounded by globalization, which stretched the creative capacities and collective determination of the international community to respond. The World Conference had the potential to be among the most significant international gatherings of the new millennium and could embody the spirit of the century by establishing that all belonged to one human family.

18. The High Commissioner underlined the important contribution of Committee members, both in their personal capacity and on the Committee's behalf, in the various regional seminars and expert meetings held since the Committee's fifty-seventh session.

19. Concerning the Office of the High Commissioner for Human Rights, she recalled that she had recently launched an appeal for voluntary contributions for the year 2001 in order to finance a comprehensive two-year programme to improve servicing of the entire treaty monitoring system. In December 2000, the support teams for treaty bodies had been reorganized to allow for increased coordination and efficiency of servicing activities. One of the new teams would deal with individual complaints under the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and the Convention against Torture. The team was currently reviewing its working methods and should assist the various expert bodies in the further development of a body of comparative jurisprudence.

20. With regard to prevention, including early warning measures and urgent action procedure, the High Commissioner recalled, as the Committee had repeatedly emphasized, that conflicts within and beyond borders were frequently characterized by a pattern of escalating racial, ethnic or xenophobic hatred or violence. As Secretary-General of the World Conference against Racism, she wished to see the Conference as an opportunity to promote the concept of preventive action both internationally and nationally. The political momentum for prevention had probably never been higher. In July 2000, the Security Council had invited the Secretary-General to submit an analytical report on the prevention of armed conflict, including recommendations on measures the United Nations could take in that respect, taking into account previous experience. In that regard the Security Council had spoken of the need to create a "culture of peace". In her view, human rights - and the fight against racism, racial discrimination, xenophobia and related forms of intolerance in particular - were central to the quest for a culture of peace and were indispensable elements of sustainable conflict prevention strategies. In that regard, she commended the Committee on its proposed recommendation to the World Conference to the effect that the criteria for early warning be refined and on its

recommendations concerning the educative measures that could be taken under article 7 of the Convention. The goal of prevention and the need to secure meaningful redress for victims would be well served by the Committee's recent procedural advancements under article 14 of the Convention. Much nevertheless remained to be done at the national and international levels to make the communications procedure under the Convention better known.

21. With regard to NGO activities, it was obvious that the States alone could not deliver sustainable human rights outcomes. The World Conference secretariat had had a close working relationship with NGOs since the Conference's inception and a high number of NGOs would be taking part. NGOs played a decisive role as partners with all the human rights treaty bodies, with differing modes of cooperation. The impact of the Committee's recommendations at country level was enhanced by the relevance and range of information made available by NGOs and through constructive partnerships between States parties and NGOs at the national level.

22. On a personal note, he wished to add that the Committee had been the first United Nations body to consider reports submitted by States parties and to monitor implementation of a major human rights treaty. From that point of view, the Committee played and always would play a prime role in the implementation of United Nations human rights programmes.

23. With regard to the appeal for voluntary contributions launched by Mrs. Robinson, he said that the United Nations regular budget allocated 22 million dollars each year for human rights programmes and that in 2000 the High Commissioner had obtained an additional 44 million dollars with which to finance a series of activities, including support for the work of treaty bodies. Without such contributions, the Office of the High Commissioner for Human Rights would not be able to provide treaty bodies with the desired level of servicing, which despite that had always been considered insufficient.

24. With regard to the importance of prevention in matters of racism and racial discrimination, he said that in 2000 the High Commissioner had submitted a report to the Commission on Human Rights on prevention with regard to human rights in general, and to racial discrimination and racism in particular. It was absolutely essential that the Committee continue its efforts to prevent violations and conflicts, especially at national level.

25. The CHAIRMAN said that the question of its active participation in preparations for the World Conference, mentioned by the High Commissioner for Human Rights, was being given priority by the Committee, which intended to be closely associated with that international forum and to be present in Durban, South Africa, both before and during the Conference. Recalling that the High Commissioner in her message had emphasized the importance of the current and future role of NGOs in the fight against racism, he said that he had been informed of the desperate financial plight of the Anti-Racism Information Service (ARIS) and that the Committee would discuss the matter.

26. Mr. YUTZIS agreed with the High Commissioner's view, as conveyed by the Deputy High Commissioner, that prevention was indeed fundamental for the fight against racism. That aspect had been discussed at length by the Committee, as its members felt that many so-called "preventive" measures were in fact taken after the event. True prevention implied detecting

potential areas or focuses of conflict in order to act before conflict actually broke out. In that respect, he recalled that he had made a number of proposals on behalf of the Committee at the regional seminar held in Santiago (Chile), concerning the establishment of work teams to detect conflicts in particular.

27. Lastly, he recalled that the Committee had expressed the wish to be represented at the World Conference in South Africa. That wish had been transmitted to the High Commissioner but it appeared that it could not be met. It was extremely important, however, that a few members of the Committee should take part in the event, at least at the outset. Mr. Ramcharan could perhaps draw the High Commissioner's attention again to that point.

28. The CHAIRMAN said that the Committee indeed had to make every effort to attain its goal.

29. Mr. de GOUTTES said that the meetings of the inter-sessional open-ended working group of the Preparatory Committee, which was preparing the draft declaration and programme of action of the World Conference, were of considerable interest to the Committee, which should therefore be briefed on its proceedings. He asked to what extent the documents prepared by the Committee had been taken into account in the preparation of the draft declaration.

30. Mr. ABOUL-NASR said it was essential that the Committee take part in the meetings of the inter-sessional open-ended working group in charge of preparing the draft declaration and programme of action to be submitted to the World Conference, especially since those meetings were being held during the Committee's session and near its venue. Could one of the members represent the Committee at those meetings and report back to the other members? It was the last opportunity the Committee had fully to participate in the preparations and to ensure that its contribution (A/CONF.189/PC.1/12), the final version of which had been established by Mr. Valencia Rodriguez, did not remain a dead letter.

31. Mr. SHAHI and Mr. FALL agreed with Mr. Aboul-Nasr.

32. Mr. RAMCHARAN (Deputy High Commissioner for Human Rights) said he would make sure that the inter-sessional open-ended working group's documentation was made available to all Committee members. The working group's aim was to conduct a preliminary examination of certain issues, including preparation of the draft declaration and programme of action, before the official meeting of the Preparatory Committee in May 2001. Since the Committee had been represented at all the other stages of the Conference preparations, it should also be present at the working group's meetings. It was up to the Committee to decide how it wished to participate in those meetings. It was important and useful for the Committee to prepare comments on the draft declaration and programme of action for submission to the working group.

33. In answer to Mr. de Gouttes' question regarding the extent to which the Committee's work had been taken into account in the preparation of the draft declaration and programme of action, he said that the notion that future strategies to fight all forms of racial discrimination should be based on the Convention and the deliberations of the Committee had substantially influenced the draft's authors. Many topics of concern which the Committee had emphasized

(in particular education and discrimination against certain groups such as the Roma) figured prominently in the draft, which was thus suitably imbued with the Committee's intellectual stream.

34. With regard to the secretariat's staff, he shared the Committee's opinion that it was important to ensure continuity and would draw the High Commissioner's attention to the matter. The High Commissioner endeavoured to obtain as much funding as possible for the activities of the treaty bodies, but the Governments preferred them to be financed out of the regular budget, which was slow in obtaining funds. Lastly, as far as the Committee holding its summer session in Durban during the World Conference was concerned, two conditions had to be met: the Committee had to be invited by the South African Government and the funds had to be found, since the General Assembly refused to pay the extra cost of holding the Committee's session away from the United Nations. However, even though it might not be possible for the whole Committee to meet in South Africa, there was no reason why some of its members should not go there to represent it.

35. The CHAIRMAN thanked the Deputy High Commissioner for Human Rights for presenting the High Commissioner's statement and hoped that the Committee would have the opportunity to resume its discussion with him during the fifty-eighth session.

36. Mr. Ramcharan withdrew.

The meeting was suspended at noon and resumed at 12.25 p.m.

ELECTION OF A RAPPORTEUR (agenda item 3)

37. The CHAIRMAN said that the Committee had to elect, a rapporteur from among its members to replace Mr. Banton for the remainder of his term of office, which would expire on 19 January 2002.

38. Mr. VALENCIA RODRÍGUEZ nominated Mr. Bossuyt, saying that the latter was familiar with the Committee's procedures, served on the Sub-Commission on the Promotion and Protection of Human Rights and was well known for his unswerving commitment to human rights.

39. Mr. de GOUTTES and Mr. YUTZIS seconded the nomination.

40. Mr. ABOUL-NASR also endorsed Mr. Bossuyt's nomination. He asked the Chairman to write to Mr. Banton expressing the Committee's gratitude for the quality of his work as both Committee member and Rapporteur.

41. The CHAIRMAN said that if there were no objections, he would consider that Mr. Bossuyt was elected rapporteur.

42. It was so decided.

43. The CHAIRMAN said that he would send a letter to Mr. Banton to express the Committee's gratitude and inform him of the name of his successor. He noted that Mr. Bossuyt could no longer act as Rapporteur for the application of article 15 of the Convention, and suggested that Mr. Pillai take his place.

44. It was so decided.

THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION; THIRD WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE (agenda item 11)

The Committee's contribution to preparations for the World Conference against Racism

45. The CHAIRMAN, recalling that the inter-sessional open-ended working group of the Preparatory Committee for the World Conference against Racism was currently meeting in Geneva, said that it was important for the Committee to be represented and suggested that two members attend the meetings in turn, according to their availability. They should make use of the Committee's contribution to the preparations for the World Conference against Racism, a document drawn up over several months the previous year. He reminded members that the text of the Committee's contribution had been finalized by Mr. Valencia Rodriguez, to whom he addressed his warmest thanks. He suggested that the two members who would represent the Committee on the inter-sessional open-ended working group should be Mr. Valencia Rodriguez, because of his work on the Committee's contribution, and Ms. McDougall, as coordinator of the Committee's contact group during the current session. If there was no objection, he would consider that the Committee approved his proposal.

46. It was so decided.

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 9, PARAGRAPH 1, OF THE CONVENTION (agenda item 7)

Qatar

47. The CHAIRMAN said that consideration of Qatar's situation, scheduled on the timetable included in the provisional agenda, had been dropped from the session's programme because the Government of Qatar had recently submitted a report to the Committee.

Fiji

48. The CHAIRMAN said that the Government of Fiji had asked the Committee not to examine the situation of Fiji during the current session because it intended to submit a report within a reasonable time, subject to the Committee's discretion. The Bureau considered that the Government's request was acceptable and that the Committee might set a deadline accordingly.

49. Mr. DIACONU approved the Bureau's proposal and suggested that the Committee ask the Government of Fiji to submit its report before the end of 2001.

50. The CHAIRMAN said that, if there were no objections, he would send a letter to the Government of Fiji indicating that the Committee had agreed not to examine the situation of Fiji at its fifty-eighth session and asking it to submit its report before the end of 2001.

51. It was so decided.

Côte d'Ivoire

52. The CHAIRMAN said that the Ivorian Government had asked for consideration of Côte d'Ivoire's report to be postponed because the new Government was engaged in establishing structures for the implementation of human rights.

53. Mr. FALL stated that the situation in Côte d'Ivoire had been a matter of deep concern for about two years, that a serious conflict had broken out between Muslims and Christians, in the north and south of the country, and that the numerous foreigners living in the country were in a very precarious situation. Many recent events were of direct interest to the Committee. It would therefore be desirable for the Committee to meet representatives of Côte d'Ivoire or, if that was not possible, seriously to examine the situation with a view to preventing an escalation in the conflict, within the framework of its efforts to prevent racial discrimination, including early warning measures and urgent action procedures.

54. Mr. ABOUL-NASR said that, given the gravity of the situation in Côte d'Ivoire, the Committee should think carefully about the best form of response: action by the Chairman, discussion within the Committee, dialogue with the country's representatives or any other procedure.

55. Mr. de GOUTTES suggested that the Committee invite one or more representatives of Côte d'Ivoire to present the situation in the country to the Committee at the end of the current session or at the beginning of the next session, as part of the Committee's action to prevent racial discrimination.

56. Mr. YUTZIS noted that the situation in Côte d'Ivoire again raised the question of the Committee's role when a conflict had broken out in a State party. In the case in question, the Committee might indeed consider, within the framework of its action to prevent racial discrimination, initially asking for a meeting with one or more representatives of Côte d'Ivoire to discuss the situation in the country.

57. Ms. JANUARY-BARDILL pointed out that a distinction should be drawn between the question of non-presentation of the report and that of the existence of a serious conflict in the country.

58. The CHAIRMAN invited Mr. Fall to examine the best method of proceeding and to present a proposal at a forthcoming meeting to which all the Committee's members could subscribe.

The meeting rose at 13.05 p.m.